IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 88 OF 2006

IN

CROSS OBJECTION NO. 17 OF 2005

ADDL.DEPUTY COLLECTOR & L.A.O. AND ANR., ...Applicants

Versus

SHRI SHAMBA S. BUDKULE AND 5 ORS., ...Respondents

Mrs.W.Coutinho, GA for the applicants.

Mr. V.K.Bodke for the respondents.

Coram:- V.C.DAGA, J.

Date:- 28th July, 2006

P.C. :

Heard learned counsel for the rival parties.

Vide order dated 24th March, 2006, interim stay to the impugned order was granted and the appellant- State was directed to deposit balance awarded amount in the reference Court within a period of three weeks. It appears that the appellant- State has deposited Rs.1,79,000/- in this Court.

Today, the matter is placed before this Court for confirmation of the interim order. At this stage, learned counsel for the respondents submits that respondents be permitted to withdraw 50% of the amount deposited in this Court and balance 50% amount be invested with any nationalised bank, initially, for a period of three years with direction to keep the said investment renewed from time to time. Learned counsel for the applicants- State, though initially tried to oppose the prayer made by the respondents but, ultimately, left it to the Court.

In this view of the matter, the respondents are permitted to withdraw 50% of the amount deposited by the applicants/ appellants- State in this Court, however, subject furnishing undertaking to refund entire amount withdrawn; as may be directed by this Court while disposing of the appeal and cross-objection filed by the rival parties. The undertaking dated 26th July, 2006 furnishied by the non-applicants/respondents herein is accepted and taken on record.

Registry is directed to pay 50% of the amount deposited by the appellants- State to the respondents by `Payees' A/c' cheque.

Civil application stands disposedl of in terms of this order with no order as to costs.

V.C.DAGA, J.

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